IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.Rev.Pet.No. 2733 of 2007()

ST.643/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, TRIVANDRUM

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REVN. PETITIONER: PETITIONER/ACCUSED

ANOOP JACOB THOMAS, S/O THOMAS JACOB,
VADAKKANETHU HOUSE, 8, CHETTIVILAKOM,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS: STATE AND CWS 1 & 2

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1. THE STATE OF KERALA, REP.BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. T.C.JACOB, TC NO.78/4189,
VETTUCAUDU, THIRUVANANTHAPURAM.

3. MARY CANDIDA JACOB,
D/O MARY COLLET FERNANDEZ, AGED 20 YEARS,
THYVELIKAKOM, TC NO.78/4189, VETTUCAUD,
THIRUVANANTHAPURAM.

BY ADV.SRI K.B.PRADEEP FOR R1
BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 2733 OF 2007

Dated this the 20th day of July, 2007

O R D E R

Heard the learned counsel for the revision petitioner and the learned counsel for the 2nd respondent complainant. In this revision filed under sections 397 and 401 Cr.P.C. the revision petitioner seeks to quash the cognizance taken by JFCM-II, Thiruvananthapuram in S.T.No.643/2006 and of the consequential proceedings in the said case.

2. The petitioner is an engineering college student studying in the 4th semester for Bio Technology. The 3rd respondent, who is the daughter of the 2nd respondent is a student of the same college and studying for Computer Science. The petitioner and the 3rd respondent decided to live together with the intention of getting married. They also got an agreement for marriage registered. At this juncture, the 2nd respondent lodged a complaint before the Valiyathura Police Station who registered Crime No.28/06 for offences punishable under sections 447, 341 and 323 IPC. Subsequently, the two lovers got legally wedded as per Annexure-C certificate under the Special Marriage Act, 1954

and they are happily living together as man and wife. The learned counsel appearing for the 2nd respondent complainant also submitted that he has no subsisting complaint in the matter and that the complaint happened to be given in a particular state of mind on account of the disappearance of his daughter. Without noticing this development, the police filed final report before the court and the court has taken cognizance of the offences and issued summons to the revision petitioner. In the light of the decisions in ***Lata Singh Vs. State of U.P.*** [2006 (5) SCC 475], ***B.S.Joshi and others Vs. State of Haryana and others*** [2003 (4) SCC 675] and ***A.K.Subbaiah Vs. State of Karnataka*** [1987 (4) SCC 557], it will be an abuse of the process of the court to permit S.T.No.643/06. Hence, invoking the power under section 482 Cr.P.C., the said proceedings are quashed.

This revision is allowed as above.

(V. RAMKUMAR, JUDGE)

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